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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

N.R.S., a minor, by and through her  
guardian ad litem, A.S.,

Plaintiff,

v.

TWIN RIVERS UNIFIED SCHOOL  
DISTRICT,

Defendant.

CASE NO. 2:23-cv-01282-MCE-JDP

**ORDER GRANTING PETITION  
FOR APPOINTMENT OF  
GUARDIAN AD LITEM**

On June 30, 2023, A.S., parent and proposed guardian ad litem of N.R.S., a minor, filed an action against the Defendant Twin Rivers Unified School District (“the District”), alleging violations of the Individuals with Disabilities in Education Act. On July 24, 2023, Plaintiff filed an Amended Petition to appoint her mother, Angeles Soberanes, as guardian ad litem.

“To maintain a suit in a federal court, a child or mental incompetent must be represented by a competent adult.” *Doe ex rel. Sisco v. Weed Union Elementary School Dist.*, 2:13-cv-01145, 2013 WL 2666024 at \*1 (E.D. Cal. June 12, 2013).

1 Federal Rule of Civil Procedure 17(c) governs the appearance of minors and  
2 incompetent persons in federal court. Rule 17(c)(1) prescribes: “The following  
3 representative may sue or defend of behalf of a minor or incompetent person: (A) a  
4 general guardian; (B) a committee; (C) a conservator; or (D) a like fiduciary.” Rule  
5 17(c)(2) states that, “[a] minor or an incompetent person who does not have a duly  
6 appointed representative may sue by a next friend or by a guardian ad litem. The  
7 court must appoint a guardian ad litem—or issue another appropriate order—to  
8 protect a minor or incompetent person who is unrepresented in an action.”

9 A court has broad discretion in ruling on a guardian ad litem application.  
10 *Basque v. Cty. of Placer*, 2017 U.S. Dist. LEXIS 117290 at \*2 (E.D. Cal. July 26,  
11 2017). In general, a parent is presumed to act in his or her child’s best interest. See  
12 *Parham v. J.R.*, 442 U.S. 584, 604 (U.S. 1979). Upon review, the Court finds  
13 Plaintiff’s Petition to appoint Angeles Soberanes as her guardian ad litem should be  
14 granted. Ms. Soberanes, as N.R.S.’s mother, is presumed to act in her best interest.

15 Accordingly, IT IS ORDERED that:

- 16 1. Plaintiff’s Amended Petition for Guardian ad Litem is GRANTED; and  
17 2. Angeles Soberanes is hereby appointed as N.R.S.’s guardian ad litem.

18 IT IS SO ORDERED.

19 Dated: July 31, 2023

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22 MORRISON C. ENGLAND, JR.  
23 SENIOR UNITED STATES DISTRICT JUDGE  
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